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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,914	01/23/2004	William Witherspoon	04W1701	1913
24234 7590 04/02/2007 SIMMONS PERRINE PLC THIRD FLOOR TOWER PLACE 22 SOUTH LINN STREET IOWA CITY, IA 52240			EXAMINER SPINELLA, KEVIN	
			ART UNIT 2885	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/707,914	Applicant(s) WITHERSPOON, WILLIAM	
	Examiner Kevin Spinella	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 1, drawn to a method of pacifying a patient about to undergo an MRI procedure, classified in class 600, subclass 410. The process claimed can be practiced by another and materially different apparatus, such as the PF Series MRI Exam light made by Sunnex MedicalLight.

II. Claim 2-20, drawn to illumination systems applicable to rooms equipped with an MRI machine, classified in class 362, subclass 235. The apparatus as claimed can be also used to practice in another and materially different process (MPEP § 806.05(e)), for example, radiotherapy.

2. Because these inventions are distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

3. A telephone call was made, by examiner Yan Wei, to Gregory Williams at 319-887-1368 on Feb. 15, 2007 to request an oral election to the above restriction requirement. The election of claims 2-20 was made with traverse.

4. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Drawings

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are of unacceptable quality. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

6. The drawings are objected to because Figure, numeric labels, and drawing portions should not be handwritten.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "more shielding structure" as stated in Claim 4, the "frame is a component of a fixture disposed below a non-hung grid ceiling" as stated in Claim 12, the "fluorescent light source" as stated in Claim 14, the "incandescent light source" as stated in Claim 15, and the "structure which provides more shielding" as stated in Claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing

sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The disclosure is objected to because "LCD" in paragraph 18, line 5 should read "-LED-."
9. The disclosure is objected to because there is no enabling support in the specification for how "insertion, without a need for flexing" as stated in Claim 5 or for how "without a need to flex" and "without using a hinging mechanism" as stated in Claim 13 is done. Furthermore, it is unclear what structure enables this to be done.

10. The disclosure is objected to because there is no enabling support in the specification for the "predetermined rectangular ceiling tile is a component of a fixture disposed below a non-hung grid ceiling" as stated in Claim 12.

11. The disclosure is objected to because the use of the "fluorescent light source" as stated in Claim 14 and the "incandescent light source" as stated in Claim 15 appears to contradict the background of the invention. It is unclear how these light sources are implemented without affecting the MRI device.

12. The disclosure is objected to because: "more shielding structure" as stated in Claim 4 and "structure which provides more shielding" as stated in Claim 20 are not detailed in the specification.

13. The disclosure is objected to because what "the claimant believes" in paragraph 21, lines 19-20 is not sufficient to support selection based on "consideration of a mental characteristic" as stated in Claim 7.

Appropriate correction is required.

Claim Objections

14. Claims 5 and 13 are objected to because they are indefinite. The limitations "insertion, without a need for flexing" as stated in Claim 5 or "without a need to flex" and "without using a hinging mechanism" as stated in Claim 13 are indefinite.

15. Claim 12 is objected to because it is indefinite. The limitation "predetermined rectangular ceiling tile is a component of a fixture disposed below a non-hung grid ceiling" as stated in Claim 12 is indefinite.

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16. Claims 4 and 20 are objected to because they are indefinite. The limitations "more shielding structure" as stated in Claim 4 and "structure which provides more shielding" as stated in Claim 20 are indefinite.

17. Claim 7 is objected to because it is indefinite. The limitation "consideration of a mental characteristic" is indefinite.

18. Claim 20 is objected to because the term "that" should be removed.

19. Appropriate correction is required.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (US Publication No.: 2002/0141181 A1), hereafter Bailey, and further in view of McCall (US Patent No.: 4,332,005), hereafter McCall.

22. Bailey teaches a system for illumination (Title, Figure 1) comprising: an array (Figure 4) of light emitting diodes (LEDs) 124; a direct current power source (paragraph 28, lines 1-2) coupled to said array (Figure 4); a predetermined rectangular ceiling tile frame 116, 146 comprising a plurality of rectangular openings (paragraph 20, lines 9-11), each of which is configured to receive and retain (paragraph 20, lines 6-8) therein a predetermined rectangular ceiling tile (Figure 1); and, a panel 114, having a front side

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134 and a back side 136, said panel 114 disposed in one of said plurality of rectangular openings (paragraph 20, lines 9-11) and positioned so as to be lighted from said back side (Figure 2, Figure 6, Figure 10) by said array (Figure 4). Figures 2, 6, and 10 show LEDs 124, 160, and 220 respectively, lighting panel 114 from its embedded position on the back side 136.

23. Bailey lacks a translucent panel.

24. McCall teaches a standard translucent prismatic panel 28 (Figure 2, Col. 2, lines 49-50). McCall teaches lighting fixtures in the space above the ceiling and to provide a translucent panel flush with the drop ceiling below the fixture for diffusing light in the room (Col. 1, lines 19-22).

25. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lighting panel system of Bailey in combination with the translucent panel of McCall in order to allow for the diffusing of light into a room.

26. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to utilize a translucent panel, since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

27. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of McCall, as applied to Claim 2 above, and further in view of Wilkinson (US Patent No.: 5,943,801), hereafter Wilkinson.

28. Bailey teaches said array (Figure 4) is disposed above (Figure 2, Figure 6, Figure 10) said predetermined rectangular ceiling tile frame 116, 146 (Figure 5A, paragraph 26). McCall teaches a translucent panel 28. Bailey and McCall lack a decorative static image disposed thereon so as to be visible from said front side.

29. Wilkinson teaches a translucent and/or transparent (Col. 9, line 53) decorative static image 302 disposed on a framed panel so as to be visible from said front side (Figure 3). The decorative image is utilized in the backlit display (Title) to provide a visually pleasing appearance.

30. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lighting panel system of Bailey with translucent panel of McCall in combination with the decorative static image of Wilkinson in order to allow for a visually pleasing appearance.

31. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of McCall and Wilkinson, as applied to Claim 3 above, and further in view of Liscio et al. (US Publication No.: 2004/0155628 A1), hereafter Liscio.

32. Bailey, McCall, and Wilkinson do not teach an alternating current to direct current power adapter which is separated from a magnetic resonance imaging device by more shielding structure than said predetermined rectangular ceiling tile and said predetermined rectangular ceiling tile frame.

33. Liscio teaches an alternating current to direct current power adapter 100 (Figure 4, paragraph 49) used with an MRI device and shielding structure 4, 5, 6 (Figure 1A, paragraph 12). Liscio teaches power supply 120 may take the form of an AC/DC

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converter such as GLM65-15 (paragraph 50, lines 1-2) and that this provides protection against short circuits and overloading at its output (paragraph 50, lines 17-20).

34. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an AC/DC converter as taught by Liscio in order to allow for a device applicable for use in a variety of systems and environments and which protects against short circuits and overloading at its output.

35. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of McCall and Wilkinson, and further in view of Hulgan (US Patent No.: 6,739,734 B1), hereafter Hulgan.

36. Bailey teaches an array of LEDs 124 disposed in an LED lamp assembly (Figure 1, Figure 4). Bailey teaches insertion of a panel 114, without a mention of a need for flexing, into said predetermined rectangular ceiling tile frame 116, 146 at a location below (Figure 2) said array (Figure 4); and, uniform dispersion of light onto panel (Figure 4). Bailey teaches in Figures 1 and 4 a uniform dispersion of LEDs 124 across panel 114, thus allowing for the uniform dispersion of light onto said panel 114. Bailey, McCall, and Wilkinson do not teach a hood with opposing end risers.

37. Hulgan teaches a hood 4 with opposing end risers 4 (Figure 7); whereby the lighting devices 38 are housed below said hood. The opposing end risers constitute the opposing end rising portions 4 of said hood 4 (Figure 7). A hood is capable of protecting housed lighting components and corresponding electrical connections from being damaged from the exterior above.

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38. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the hood with opposing end risers of Hulkan in order to allow for the protection of lighting components and their corresponding electrical connections.

39. Regarding Claim 6, Bailey teaches an array of LEDs 124 inserted in recesses 138 that may be conical or concave-shaped, whereby the light element 124 may be mounted at or near the apex or the top of the recess 138 (Figure 2, paragraph 22, lines 13-15). As shown in Figure 2, the conical recess 138 protrudes from the apex at approximately 45 degrees from the forward light-emitting axis of the LED 124. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a wider protruding recess in order to allow light to be emitted an angle of at least 50 degrees, since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped with a wider protruding recess.

40. Regarding Claim 7, McCall teaches translucent panel 28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose said translucent panel in response to a consideration of a mental characteristic of a patient who is about to be given a magnetic resonance imaging procedure, since the selection of such is an aesthetic choice that is always made with respect to an intended

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viewer to create a more visually pleasing environment and, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

41. Regarding Claim 8, Wilkinson teaches decorative image 302 constitutes a foreground with predetermined patterns of greater and lesser translucency (Figure 3). The inner regions of said image 302 constitute greater translucency, whereby the outline of said image 302 constitutes lesser translucency. Bailey teaches relative high light intensity (paragraph 21, lines 9-11: "ultra-bright") regions located at the locations of the individual light emitting diodes 124 in said array (Figure 4). Bailey, McCall, Wilkinson, and Hulkan lack an image of a sky. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a decorative static image of a sky, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Bailey, McCall, Wilkinson, and Hulkan lack said predetermined patterns are in registration with relative high light intensity regions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange said predetermined patterns to be located near relative high light intensity regions in order to create an optimal visually pleasing display, and furthermore, since it has been held that rearranging parts of a prior art structure involves only routine skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

42. Regarding Claim 9, Wilkinson teaches a decorative static image 302 (Figure 3). Hulgan teaches hood 4 and support structure 27 which supports attached lighting elements 38 (Figure 7), whereby said support structure is comprised of aluminum (Col. 3, lines 53-55). Bailey, McCall, Wilkinson, and Hulgan lack an image of a sky with a foreground being clouds. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a decorative static image of a sky with a foreground being clouds, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Bailey, McCall, Wilkinson, and Hulgan lack a hood comprised of aluminum. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to utilize a hood comprised of aluminum, since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

43. Regarding Claim 10, Bailey teaches said predetermined rectangular ceiling tile frame 116, 146 is metal (paragraph 20, line 15; paragraph 28, lines 4-5). Bailey, McCall, Wilkinson, and Hulgan lack a predetermined rectangular ceiling tile frame that is non-ferrous. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to utilize a predetermined rectangular ceiling tile frame that is non-ferrous, since it has been held by the courts that selection of a prior art material

on the basis of its suitability for its intended purpose is within the level of ordinary skill.

In re Leshing, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

44. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of McCall, and further in view of Liscio.

45. Bailey teaches an array (Figure 4) completely disposed in an overhead position in a room (Figure 1). Bailey and McCall lack an array completely disposed in an overhead position in a room containing a magnetic resonance imaging system.

46. Liscio teaches a scanner room 1 (Figure 1A) containing a magnetic resonance imaging system 10. It is well known that individuals utilizing said MRI device 10 need sufficient illumination or luminous flux in order to safely and effectively carry out MRI procedures for patients.

47. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lighting panel system of Bailey with translucent panel of McCall in combination with the magnetic resonance imaging system with room of Liscio in order to allow for an additional source of sufficient illumination or luminous flux so that MRI procedures can be safely and effectively carried out.

48. Regarding Claim 12, Bailey teaches said predetermined rectangular ceiling tile frame 116, 146 is a component of a fixture (Figure 1) disposed below a non-hung grid ceiling 110 of said room (Figure 1).

49. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of Hulkan and McCall, and further in view of Wilkinson.

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50. Bailey teaches a system for illumination (Title, Figure 1) comprising: a source of light 124 in a lamp fixture (Figure 4); a power source (paragraph 28, lines 1-2) coupled to said source of light 124; a predetermined rectangular ceiling tile frame 116, 146 comprising a plurality of rectangular openings (paragraph 20, lines 9-11), each of which is configured to receive and retain (paragraph 20, lines 6-8) therein a predetermined rectangular ceiling tile (Figure 1); and, a panel 114, having a front side 134 and a back side 136, said panel 114 disposed in one of said plurality of rectangular openings (paragraph 20, lines 9-11) and positioned so as to be lighted from said back side (Figure 2, Figure 6, Figure 10) by said array (Figure 4). Figures 2, 6, and 10 show LEDs 124, 160, and 220 respectively, lighting panel 114 from its embedded position on the back side 136. Bailey teaches panel 114 is insertable in said predetermined rectangular ceiling frame 116, 146 at a position below (Figure 2) said lamp fixture 124, without a need to flex said panel and without using a hinging mechanism coupled to said panel 114.

51. Bailey lacks said lamp fixture and said predetermined rectangular ceiling tile frame being configured with risers. Bailey lacks a translucent panel comprising a decorative static image thereon of a scene of a sky with a foreground.

52. Hulkan teaches a hood 4 with opposing end risers 4 (Figure 7), whereby the lighting devices 38 are housed below said hood. The opposing end risers constitute the opposing end rising portions 4 of said hood 4 (Figure 7). A hood is capable of protecting housed lighting components and corresponding electrical connections from being damaged from the exterior above.

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53. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lighting panel system of Bailey in combination with the hood with opposing end risers of Hulkan in order to allow for the protection of lighting components and their corresponding electrical connections.

54. Bailey and Hulkan lack a translucent panel comprising a decorative static image thereon of a scene of a sky with a foreground.

55. McCall teaches a standard translucent prismatic panel 28 (Figure 2, Col. 2, lines 49-50). McCall teaches lighting fixtures in the space above the ceiling and to provide a translucent panel flush with the drop ceiling below the fixture for diffusing light in the room (Col. 1, lines 19-22).

56. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lighting panel system of Bailey with the hood with opposing end risers of Hulkan in combination with the translucent panel of McCall in order to allow for the diffusing of light into a room.

57. Bailey, Hulkan, and McCall lack a decorative static image thereon of a scene of a sky with a foreground.

58. Wilkinson teaches a translucent and/or transparent (Col. 9, line 53) decorative static image 302 disposed on a framed panel so as to be visible from said front side (Figure 3). The decorative image is utilized in the backlit display (Title) to provide a visually pleasing appearance.

59. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the decorative static image of Wilkinson with the previous art combination in order to allow for a visually pleasing appearance.

60. Bailey, Hulgan, McCall, and Wilkinson lack an image of a sky. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a decorative static image of a sky, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

61. Regarding Claims 14-16, Bailey teaches an array (Figure 4) of light emitting diodes 124 and said power source is a direct current power source (paragraph 28, lines 1-2). The examiner takes Official Notice that the use of fluorescent and incandescent light sources is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute either a suitable sized fluorescent or incandescent light source for the LED in the system of Bailey. One would have been motivated since fluorescent and incandescent light sources are recognized in the illumination art to have many desirable advantages, including relatively high luminous efficacy.

62. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of Hulgan, McCall, and Wilkinson, and further in view of Liscio.

63. Bailey teaches an array (Figure 4) disposed above a ceiling 114 of a room (Figure 1). Hulgan teaches a light-emitting element 38 shrouding hood structure 27,

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whereby said support structure is comprised of aluminum (Col. 3, lines 53-55) and reflects light (Col. 4, lines 1-2) downward through a light transmitting panel 18 (Figure 7).

64. Bailey, Hulan, McCall, and Wilkinson lack an array disposed above a ceiling of a room containing a magnetic resonance imaging system.

65. Liscio teaches a scanner room 1 (Figure 1A) containing a magnetic resonance imaging system 10. It is well known that individuals utilizing said MRI device 10 need sufficient illumination or luminous flux in order to safely and effectively carry out MRI procedures for patients.

66. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lighting system panel of the previous art combination with the magnetic resonance imaging system and room of Liscio in order to allow for an additional source of sufficient illumination or luminous flux so that MRI procedures can be safely and effectively carried out.

67. Regarding Claim 18, Liscio teaches said room 1 further contains a horizontal resting platform 11 for a patient waiting to undergo a procedure with said magnetic resonance imaging system 10 (Figure 1A). Liscio teaches said patient is lying horizontally on said horizontal platform 11 (Figure 1C). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize said scene of a sky with a foreground having a predetermined orientation with respect to a zenith for a patient, since the selection of such is an aesthetic choice that is always made with respect to an intended viewer to create a more visually pleasing environment and, since

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the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

68. Regarding Claim 19, Hulkan teaches hood 4 also with risers 4 and support structure 27 which supports attached lighting elements 38 (Figure 7), whereby said support structure is comprised of aluminum (Col. 3, lines 53-55). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to utilize risers comprised of aluminum, since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

69. Regarding Claim 20, Liscio teaches said direct current power source 100 is located outside of said room 1 (paragraph 72, line 3) and shielded from said magnetic resonance imaging system 10 by structure 4, 5, 6 which provides more shielding (Figure 1A). Bailey teaches a ceiling structure 116, 146 (Figure 1) and said lamp fixture (Figure 4).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Spinella whose telephone number is 571-270-1284. The examiner can normally be reached on Monday - Friday, from 7:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Spinella

KJS


RENEE LUEBKE
PRIMARY EXAMINER